



City Council Agenda

Council President
Henry Perea

Councilmembers

Tom Boyajian
Brian Calhoun
Brad Castillo, Acting President

Jerry Duncan
Sal Quintero
Daniel Ronquillo

City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch , CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 498-1321

The City Council welcomes you to this meeting.

TUESDAY, SEPTEMBER 17, 2002

IF YOU WOULD LIKE TO SPEAK, FILL OUT A SPEAKER REQUEST FORM AVAILABLE FROM THE CITY CLERK'S OFFICE AND IN THE COUNCIL CHAMBERS. THE AGENDA IS AVAILABLE ON (www.fresno.gov) THE COUNCIL MEETING CAN ALSO BE HEARD LIVE AT THE SAME WEB SITE ADDRESS.

8:30 A.M. ROLL CALL

Invocation by Derek Thomason, Chaplain for the Fresno Police Department
Pledge of Allegiance

Proclamation of "CITY OF FRESNO PAYROLL SECTION DAY" - Presented by City Manager Hobbs

Proclamations of "JOSEPH SOLENO DAY" and "JOSHUA SOLENO DAY" - Councilmember Quintero

Proclamation of "HARRY SUSSMAN AND JOHN VALENTINO DAY" - Councilmember Boyajian

Proclamation of “CALIFORNIA MILK ADVISORY BOARD’S HAPPY COW COMMERCIALS” - Councilmember Duncan

Presentation of Certificates of Recognition to District 7 Students - Council President Perea

Presentation of Commendations to the Sister City of Muenster, Germany - Councilmember Calhoun

Proclamation of “GARY JANZEN DAY” - Councilmember Ronquillo

COUNCIL ACTION ON UNSCHEDULED ITEMS, IF ANY, SHALL BE LIMITED TO REFERRING THE ITEM TO STAFF FOR A REPORT AND POSSIBLE SCHEDULING ON A FUTURE COUNCIL AGENDA. FOR EACH MATTER CONSIDERED BY THE COUNCIL, THERE WILL FIRST BE A STAFF PRESENTATION, FOLLOWED BY A PRESENTATION FROM THE PROJECT APPLICANT. TESTIMONY FROM THOSE IN ATTENDANCE WILL THEN BE TAKEN. ALL TESTIMONY GIVEN WILL BE LIMITED TO THREE MINUTES PER PERSON.

THE THREE LIGHTS ON THE PODIUM NEXT TO THE MICROPHONE WILL INDICATE THE AMOUNT OF TIME REMAINING FOR THE SPEAKER. THE GREEN LIGHT WILL BE TURNED ON WHEN THE SPEAKER BEGINS. THE YELLOW LIGHT WILL COME ON WITH ONE MINUTE REMAINING AND ONE TONE WILL SOUND. THE SPEAKER SHOULD BE COMPLETING THE TESTIMONY BY THE TIME THE RED LIGHT COMES ON AND TWO TONES SOUND, INDICATING THAT TIME HAS EXPIRED.

Approve Council minutes of August 27 and 29, 2002

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS

9:00 A.M. Accept report to Council and provide direction regarding the summary of results of sign ordinance committee meetings

Action Taken:

9:15 A.M. Council discussion/action regarding City engaging in construction projects such as parking lots, median island construction, (neighborhood infrastructure projects exempted) - Council President Perea

a. Should projects be put out for bid with City allowed to bid?

b. If yes, develop bid criteria working in conjunction with construction industry that provides a level field for all bidders

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

9:45 A.M. **HEARING** to consider the initiation of R-A/UGM on four properties located on the east side of N. Maple Avenue between E. Copper and E. International Avenues at 10618, 10636, 10658 and 10700 N. Maple Avenue (*Property located in District 6*)

Action Taken:

- a. **RESOLUTION** - Initiating R-A/UGM zoning on the subject properties

Action Taken:

10:00 AM#1 **HEARING** to consider the adoption of resolution vacating Clark Street and the Clark-Diana alley between Divisadero and McKenzie Avenues; Illinois Avenue between Diana and Fresno Streets; and all the streets and alleys between Clark and Fresno from Illinois to McKenzie Avenues and reserving an easement and right-of-way for public water main purposes over a portion of Illinois Avenue between Diana and Thesta Streets - Resolution of Intention R.I.1022-D

Action Taken:

- a. * **RESOLUTION** - Ordering the vacation of Illinois Avenue between Diana and Fresno Streets and all the streets and alleys between Valeria and Fresno Streets from Illinois Avenue to McKenzie Avenue

Action Taken:

- b. * **RESOLUTION** - Ordering the vacation of the Clark-Diana alley, Clark Street, the Clark-Valeria alley and Valeria Street between Illinois and McKenzie Avenues

Action Taken:

- c. * **RESOLUTION** - Ordering the vacation of the Clark-Diana alley and Clark Street between Illinois and Divisadero Streets and Divisadero Street between Diana and Clark Streets

Action Taken:

10:00 AM#2 **HEARING** regarding City of Fresno Community Facilities District No. 2, Annexation No. 38 (Final Tract Map Nos. 5007, 5011 and 5081)

Action Taken:

- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax

Action Taken:

- b. **RESOLUTION** - Calling special mailed-ballot election

Action Taken:

- c. **RESOLUTION** - Declaring election results

Action Taken:

- d. * **BILL** - Levying a special tax for the property tax year 2002-2003 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 38

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

10:15 A.M. HEARING to consider the adoption of a resolution to vacate a relinquished right-of-way along the west side of Freeway 168 between Rialto and San Gabriel Avenues and authorize and direct the Public Works Director to execute a deed conveying the vacated area to the adjacent owner - Resolution of Intention No. R.I. 1029-D

Action Taken:

- a. * **RESOLUTION** - Ordering the vacation of a relinquished right-of-way along the west side of Freeway 168 between Rialto and San Gabriel Avenues and authorize and direct the Public Works Director to execute a deed conveying fee title to the vacated area to the adjacent owner

Action Taken:

10:30 A.M. Consideration of street name change request by Granite Construction to change the name of a segment of South Angus Avenue, located south of East Dorothy Avenue, to Granite Court (*Property located in District 3*)

Action Taken:

2:00 PM#1

CONTESTED CONSENT ITEMS

2:00 PM#2

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, Subdivision (b)

Significant Exposure to Litigation:

1. Claims of Simplex Grinnell LP, successor-in-interest to Simplex Time Recorder Co., relating to FYI Airport Security Access Control System Upgrade Project
2. San Joaquin Valley Air Pollution Control District v. California Air Resources Board
3. Claim of Laura Ferris

Action Taken:

B. CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - Government Code Section 54956.9, subdivision (c)

1. **Case Name:** City of Fresno v. Ron Patterson, Redi-Corp of Central California

Action Taken:

C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** Mary Hetherington v. City of Fresno
2. **Case Name:** City of Fresno v. Ladislao Vasquez Pineda and Saida Rojas
3. **Case Name:** Alvina Bannister, et al. v. City of Fresno, et al.
4. **Case Name:** City of Fresno v. County of Fresno, LAFCO and City of Clovis

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code Section 54957 - Councilmember Calhoun

Title: City Attorney

Title: City Clerk

Action Taken:

2:00 PM#2

REGULAR CLOSED SESSION OF THE REDEVELOPMENT AGENCY

E. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code Section 54957

Title: Redevelopment Agency Executive Director

Action Taken:

F. CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - Government Code Section 54956.9, Subdivision (c)

1. **Case Name:** One potential case - Case name unspecified. Disclosure of title would jeopardize ability to effectuate service of process

Action Taken:

3:30 P.M. Discuss presence of University of California in downtown Fresno - Councilmember Calhoun

Action Taken:

3:45 P.M. Appearance by Barbara Hunt to discuss various City issues

Action Taken:

3:50 P.M. Appearance by Norman Pimentel to discuss the Fresno High neighborhood area

Action Taken:

1. GENERAL CONSENT CALENDAR

(ALL CONSENT CALENDAR ITEMS ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS REQUESTED, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT CALENDAR AND CONSIDERED AT 2:00 P.M.)

- A. * **RESOLUTION - 18th amendment to AAR No. 2002-216 appropriating \$4,500,000 to fund the award of the contract for the Power Generation Facility (*Requires 5 affirmative votes*)**

Action Taken:

GENERAL CONSENT CALENDAR CONTINUED

- B.** Adopt Successor Labor Agreement between the City of Fresno and the Fresno Airport Peace Officers/Firefighters Association Unit 11 (FAPOFA/Association) covering the period from July 1, 2002 to June 30, 2005 - Labor Relations
Action Taken:
1. * RESOLUTION - 2nd amendment to Salary Resolution No. 2002-219 reflecting the adoption of a Successor Labor Agreement between the City of Fresno and the Fresno Airport Peace Officers/Firefighters Association Unit 11 (FAPOFA/Association)
Action Taken:
- C.** **RESOLUTION** - Establishing Disadvantaged Business Enterprise (DBE) Program goals for 2002-2003 in U.S. Department of Transportation (DOT) assisted contracts for the Federal Highway Administration (FHWA), Federal Aviation Administration (FAA), and Federal Transit Administration (FTA) - Purchasing Division/Airports Dept.
Action Taken:
- D.** Award a contract for installation of 8" water main in W. San Jose Avenue and west of N. Del Mar Avenue - General Services Dept./Dept. of Public Utilities
Action Taken:
- E.** Award a contract for installation of street improvements for Glenn, Calaveras, Home and Floradora Avenues (Rebid) - General Services Dept./Public Works Dept.
Action Taken:
- F.** Award a contract for Holmes Neighborhood Playground Improvements (Rebid) - General Services Dept./Public Works Dept./Parks and Recreation Dept.
Action Taken:
- G.** Reject all bids for construction of a bike path and street improvements on the north side of Herndon Avenue from Marks to Pleasant Avenue - General Services Dept./Public Works Dept.
Action Taken:
- H.** **RESOLUTION** - Authorizing the Parks and Recreation Department application for a \$690,000 grant from the Wildlife Conservation Board for improvements on the Lewis S. Eaton Trail - Parks and Recreation Dept.
Action Taken:
- I. * RESOLUTION** - 23rd amendment to AAR No. 2002-216 appropriating \$20,500 for landscaping the Sugar Pine Trail - Parks and Recreation Dept. (*Requires 5 affirmative votes*)
Action Taken:
- J. * RESOLUTION** - 20th amendment to AAR No. 2002-216 appropriating \$49,700 in grant funds from the California Department of Forestry and Fire Protection to replant missing street and median island trees - Parks and Recreation Dept. (*Requires 5 affirmative votes*)
Action Taken:

GENERAL CONSENT CALENDAR CONTINUED

- K. RESOLUTION** - Authorizing the execution and delivery of a Master Equipment Lease-Purchase Agreement and certain separate lease schedules with respect to the acquisition, purchase, financing and leasing of equipment for the public benefit, and authorizing the execution and delivery of documents required in connection therewith - Finance Department
Action Taken:
- L.** Approve Lease Amendment No. 4 to the Aviation Land and Building Agreement between the City of Fresno and Skywest Airlines, Inc. (Maintenance Facility) - Airports Dept.
Action Taken:
- M.** Authorize the acceptance of Fiscal Year 2002-2003 grant funds from the State of California Office of Criminal Justice Planning - Police Department
Action Taken:
- 1. * RESOLUTION** - 19th amendment to AAR No. 2002-216 appropriating \$161,800 for the Fresno Police Department's Juvenile Accountability Incentive Block Grant Program (***Requires 5 affirmative votes***)
Action Taken:
- N.** Approve a new three-year Underground Utility District Plan - Public Works Dept.
Action Taken:
- O. RESOLUTION** - Of Intention to annex Final Tract No. 4988 to the City of Fresno Community Facilities District No. 2, Annexation No. 39 and authorize the levy of special taxes - Public Works Dept.
Action Taken:
- P. RESOLUTION** - Approving the Final Map of Tract No. 5011 and accepting dedicated public uses therein; Phase IV of Vesting Tentative Map Tract No. 4570, a 108-lot single-family residential subdivision located on the north side of E. California Avenue, between S. Clovis and S. Sunnyside Avenues - Development Dept.
Action Taken:
- Q. * RESOLUTION** - 5th amendment to PAR No. 2002-217 by deleting six (6) Police Officer positions which were added to the Police Department in Fiscal Year 2002 to backfill for the military reserve deployment - Police Dept.
Action Taken:
- R. RESOLUTION** - Approving acceptance of a grant of \$115,000 from the United States Environmental Protection Agency for vulnerability assessment of Water Division facilities and authorizing the Director of Public Utilities to execute all necessary documents - Dept. of Public Utilities
Action Taken:
- 1. * RESOLUTION** - 21st amendment to AAR No. 2002-216 appropriating \$115,000 in grant funds for a vulnerability assessment of Water Division facilities (***Requires 5 affirmative votes***)
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- S. **RESOLUTION** - Approving Final Map of Tract No. 4487 and accepted dedicated public uses therein; a 37-lot single-family residential planned development located on the north side of W. Audubon Avenue northwest of the intersection of N. Maroa Avenue - Development Dept.
Action Taken:
- T. Approve an agreement between the City of Fresno and the County of Fresno for limited funding of Traffic Safety Enforcement - Councilmember Calhoun
Action Taken:
- U. Approve appointments of Enrique Reade to the Human Relations Commission (Councilmember Ronquillo); Hue Vang to the Human Relations Commission (Acting President Castillo) and Can Maloy to the Historic Preservation Commission (Mayor Autry)
Action Taken:
- V. Award a contract for the installation of City-owned pulse boilers at the Fresno Yosemite International Airport - Airports Dept./General Services Dept.
Action Taken:

2. **CONSENT CALENDAR - BILL FOR INTRODUCTION - PINK TABS**

- A. * **BILL - (For introduction)** - Repealing, amending and adding to the Fresno Municipal Code relating to recovery of cost and penalties incurred or imposed in code enforcement and nuisance abatement actions - City Attorney's Office
Action Taken:
- B. * **BILL - (For introduction)** - Amending Section 509 of Article 5 of Chapter 5 of the Fresno Municipal Code relating to monthly reporting requirements by the Chief of Police regarding concealed weapons license statistics - Police Department
Action Taken:
- C. * **BILL - (For introduction)** - Amending the text of the Fresno Municipal Code (Text Amendment No. TA-02-01) related to streamlining the rezoning process and minor clarification changes to other sections of the zoning ordinance
Action Taken:

3. **GENERAL ADMINISTRATION**

- A. * **BILL NO. B-43 - (Intro. 8/27/2002)** - Amending Section 4-101 of Chapter 4 of the Fresno Municipal Code to better reflect the City's banking requirements - Finance Dept.

Action Taken:

- B. * **BILL NO. B-44 - (Intro. 8/27/2002)** - Adding Section 8-220 to the Fresno Municipal Code prohibiting aggressive and abusive solicitations and solicitations in prohibited places - Police Department

Action Taken:

4. **CITY ATTORNEY**

5. **CITY COUNCIL**

- A. Consider approval for a Council override vote of Resolution No. 2002-283 vetoed by Mayor Autry on September 6, 2002 (*Council action to override Mayoral veto requires 5 affirmative votes*) - Councilmember Ronquillo

Action Taken:

1. **RESOLUTION NO. 2002-283** - Waiving matching fund requirements for Foundry Park Developers, L.P. in the amount of \$154,485 for public infrastructure improvements related to Community Facilities District No. 5

Action Taken:

6. **CITY/COUNTY INTERGOVERNMENTAL RELATIONS**

7. **UNSCHEDULED ORAL COMMUNICATIONS** - You may address the City Council at the conclusion of the Council meeting regarding items that are not listed on the agenda. The policy is to limit your presentation to three (3) minutes pursuant to Ordinance No. 96-67. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date of appearance.

SCHEDULED COUNCIL HEARINGS AND MATTERS

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| Sept. 24 | 2:00 P.M. | ROLL CALL |
| Sept. 24 - | 2:15 P.M. | RESOLUTION - Supporting the Business, Industry and Government (BIG) Coalition of the South San Joaquin Valley - Mayor Autry |
| Sept. 24 - | 3:30 P.M. | CONTINUED HEARING to consider an amendment to the text of the Fresno Municipal Code (Text Amendment No. TA-02-01) related to streamlining the rezoning process and minor clarification changes to other sections of the zoning ordinance |
| Sept. 24 - | 4:00 P.M. | HEARING re: Rezone Appl. No. R-02-018, filed by Leland E. Scott |
| Sept. 24 - | 5:30 P.M. | General Plan Review/Workshop |
| Oct. 1 - | 5:30 P.M. | HEARING re: 2025 General Plan and Master Environmental Impact Report #10130 |
| Oct. 8 - | 9:00 A.M. | Presentation by Loretta M. Lynch, President of the CA Public Utilities Commission - Councilmember Calhoun |
| Oct. 15 - | | NO MEETING |
| Oct. 22 - | 10:00 A.M. | WORKSHOP on Fresno's water supply challenges - Public Utilities Dept. <i>(30 minutes)</i> |
| Oct. 22 - | 10:30 A.M. | HEARING re: Community Facilities District No. 2, Annexation 39 relating to Tract 4988 |
| Oct. 29 - | 10:00 A.M. | Presentation of Employee Service Awards <i>(Reception immediately following - 2nd floor foyer)</i> |